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EXAMINER

BERGER, AUBREY H

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/042,963

Applicant(s)

BELL ET AL.

Examiner

Aubrey H. Berger

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☒ Claim(s) 8 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/09/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2134

### **DETAILED ACTION**

1. Claims 1-32 are pending.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 01/09/2002. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The disclosure is objected to because of the following informalities:
  - a. Page 6, line 9 recites "communication access system 15". There is no reference element 15 present in figure 1.

Art Unit: 2134

- b. Page 6, ¶ [0029], line 2 recites “permissions server/database 22 and a merchandise server/ database 24.” These element numbers do not correspond with figure 1 and are believed to be reversed.

Appropriate correction is required. Additionally, applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification as a result of the above objections.

### ***Claim Objections***

- 5. Claims 8 and 24 are objected to because of the following informalities:
  - c. Claim 8 recites “wherein content in the electronic markets have embedded a server location” and is unclear and believed to mean “wherein the electronic market content contains an embedded content identifier”. Claim 8 also recites “and a content identifier that uniquely” and should be changed to “wherein the content identifier uniquely”.
  - d. Claim 24 recites “at least one identified usage permissions server” in line 7, and it is unclear if this is the same or different server as recited in line 8, “a permissions server”.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

- 6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2134

7. Claims 4, 14-15, 19, 21 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 4 recites the limitation "each product" in lines 1, 2 and 4. There is insufficient antecedent basis for this limitation in the claim. "Each product" is assumed to mean "the content" and will be treated accordingly.

9. Claim 14 recites the limitation "the content" in line 1. There is insufficient antecedent basis for this limitation in the claim. "The content" is assumed to mean "the product" and will be treated accordingly.

10. Claim 15 recites the limitation "the content" in line 1. There is insufficient antecedent basis for this limitation in the claim. "The content" is assumed to mean "the product" and will be treated accordingly.

11. Claim 19 recites the limitation "the product" in line 17. There is insufficient antecedent basis for this limitation in the claim. "The product" is assumed to mean "the content" and will be treated accordingly.

12. Claim 21 recites the limitation "the content key" in lines 2, 9-10, and 11. There is insufficient antecedent basis for this limitation in the claim. "The content key" is assumed to mean "the content" and will be treated accordingly.

13. Claim 32 recites the limitation "the permissions matrices". There is insufficient antecedent basis for this limitation in the claim. Claim 32 is believed meant to be dependent on claim 27 and not claim 24, and will be treated accordingly.

Art Unit: 2134

***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 1-4, 6, 8-9, 13, 15-16, 19-26, 28, and 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,389,538 to Gruse et al., (Gruse).

In reference to Claim 1, Gruse discloses a system for administering electronic markets/Secure Digital Content Electronic Distribution System (fig. 1A), which include electronic content/(fig. 1A, #113), the system comprising a connection system (fig. 1A), to permit connection to a communication network (col. 11, lines 35-36), having an electronic server system/content hosting sites (fig. 1D, #111), configured to permit communication among a community of users and for hosting of the electronic markets/electronic digital content stores (stores) (fig. 1B, #100; col. 12, lines 43-54), a distributed administration system/electronic digital content stores, wherein any user of the community of users can be provided with a capability of configuring and administering individual ones of the electronic markets/stores, (col. 12, lines 57-65), a set of access permissions/rights management (col. 9, line 57), which control access to the

Art Unit: 2134

electronic markets/stores, wherein the access permissions control which users of the community of users have access to the electronic markets/stores, (col. 9, lines 61-64), and a set of usage permissions/rights management, which control usage of content of the electronic markets/stores (col. 9, lines 64-67).

In reference to Claim 2, Gruse further discloses wherein the electronic markets/stores, have a mixture of at least one of individual users or groups (col. 6, lines 13-14; col. 12, lines 6-8).

In reference to Claim 3, Gruse further discloses wherein the individual users and groups have different usage permissions (col. 10, lines 24-30).

In reference to Claim 4, Gruse further discloses wherein the content has at least one user group with permission to manage properties of the content including a capability to change the associated usage permissions or change the markets/stores within which the content appears (col. 12, lines 57-65; col. 13, lines 5-13).

In reference to Claim 6, Gruse further discloses wherein the content (stored at content provider, electronic digital content store, or content hosting site, col. 13, lines 21-24) is stored at a location separate from the access permissions and the usage permissions (stored at clearinghouse, col. 10, lines 4-10; col. 10, lines 21-24).

In reference to Claim 8, Gruse further discloses wherein the electronic market/store, content contains an embedded/watermarked (col. 20, lines 15-20), content identifier (col. 19, lines 62-65 & col. 24, lines 10-14), that identifies the server of the electronic server system/content hosting sites, where the access

Art Unit: 2134

and the usage permissions are served (col. 24, line 19), wherein the content identifier uniquely identifies the content on the identified server/content provider.

In reference to Claim 9, Gruse further discloses wherein access to decryption keys used to decrypt the content (col. 13, lines 48-55) is controlled through at least one authenticated account on the identified permissions server/clearinghouse (fig. 1C, #105).

In reference to Claim 13, Gruse discloses method for administering electronic markets/Secure Digital Content Electronic Distribution System (fig. 1A), which include electronic products/content (fig. 1A, #113), the method comprising: providing connection to a communication network (col. 11, lines 35-36), having at least one server/content hosting sites (fig. 1D, #111), which permits communication among a community of users hosting at least one electronic market/electronic digital content store (fig. 1B, #100), on the at least one server/content hosting site, distributing administration of the electronic markets/stores, (col. 12, lines 57-65), wherein each user of the community of users can be provided with a capability of administering individual ones of the electronic markets/stores (col. 12, lines 57-60), providing a set of access permissions/rights management (col. 9, line 57), controlling access to the electronic markets/stores, by use of the access permissions/rights management (col. 1, line 57), providing a set of usage permissions/rights management, and controlling usage of products of the electronic markets by the usage permissions (col. 9, lines 64-67).



Art Unit: 2134

As per claim 15, this is a method version of the claimed system discussed above in claim 6 wherein all claimed limitations have also been addressed and/or cited as set forth above.

As per claim 16, this is a method version of the claimed system discussed above in claim 7 wherein all claimed limitations have also been addressed and/or cited as set forth above.

In reference to Claim 19, Gruse discloses a method of creating and administering an electronic marketplace/Secure Digital Content Electronic Distribution System (fig. 1A), comprising: forming a network of a community of users electronically interconnected via an electronic communication system/network (col. 11, lines 35-36), the community of users being a subset of users (col. 15, lines 6-10), having access to the electronic communication system/network, logging on by a first user to the network of the community of users creating by the first user an electronic market/electronic digital content store (fig. 1B, #100), (col. 12, lines 56-65), specifying access permissions/rights management (col. 9, line 57), to the market for at least one of other users or groups of the community of users (col. 9, lines 61-67), uploading electronic content to the market (col. 12, lines 57-65), creating a unique content identifier identifying the uploaded content storing the content identifier on the server (col. 19, lines 62-65), specifying usage permissions to be associated for the uploaded content (col. 20 lines 9-11), embedding/watermarking (col. 20, line 15), into the content the content identifier of the content and location of a server where the

Art Unit: 2134

access and usage permissions have been stored and encrypting the content (col. 24, lines 31-33).

In reference to Claim 20, Gruse further discloses a second user or a group/end-user, log onto a server of the network of community of users, accessing, by the second user or group/end-user, the electronic market/store created by the first user, checking to determine access permissions for the second user or group/end-user, for access to the market/store, (col. 10, lines 43-47), determining access permissions for at least one of the second user and group/end-user, exists checking for at least one of the second user and the group/end-user for access permissions for all content existing in the electronic market (col. 24, lines 25-33), displaying content representations for all content determined to have access permission for at least one of the second user and group/end-user (col. 21, lines 7-9), selecting by the second user or group/end-user, at least one of the content representations (fig. 6; col. 25, lines 15-16; col. 21, lines 10-16), checking to determine whether the second user or group/end-user, has additional access permissions for the selected content (col. 25, lines 24-28) checking whether the second user or group has usage permissions for the selected content, determining the second user or group has access permissions for the selected content, checking whether the second user or group has usage permissions for the selected content, determining the second user or group has the usage permissions for the selected content (col. 26, lines 32-25), displaying the usage permissions and fees associated with the selected content to the second user or group (col. 25, lines 15-16; col. 21, lines 17-19).

Art Unit: 2134

In reference to Claim 21, Gruse further discloses generating a license by encrypting the content with a user key/symmetric key, and attaching a verification key/public key, (col. 21, line 58; col. 24, lines 25-38), downloading by the second user or group/end user, the content and the license (col. 21, lines 59-61), selecting the encrypted file, by the second user or group/end-user, and invoking operation of a client operating system, checking to determine whether a license does exist (col. 21, lines 62-64), generating, when it is determined a license exists, the content by decrypting a license with the user key/symmetric key, (col. 21, lines 65-67), decrypting content of the content, checking the content with the verification key/public key, invoking interpretation operations, disabling save-as and/or print commands which would permit the second user or group to alter the content, and rendering the content to the second user or group in a readable format (col. 22, lines 18-20).

In reference to Claim 22, Gruse further discloses wherein the content is provided via at least one of an encrypted e-mail message, from a server of the system of community of users, or on a CD ROM (col. 73, lines 16-20; col. 82, lines 1-3).

In reference to Claim 23, Gruse further discloses wherein the step of checking if a license exists determines no license exists (fig. 6), further including, determining the server location and content identifier to exist with the encrypted content (col. 24, lines 10-14), downloading the license for the specified encrypted content (col. 21, lines 59-61), again clicking on the encrypted content; determining a license exists (col. 21, lines 62-64), generating the content by

Art Unit: 2134

decrypting the license with the user key/symmetric key, decrypt the content with the content key (col. 21, lines 65-67), check the content with the verification key; invoke the content viewer; disable determined commands of the viewer; and rendering the content to at least one of the second user or group (col. 22, lines 18-20).

In reference to Claim 24, Gruse discloses a system for controlling usage of content comprising (col. 6, lines 8-10), encrypted content that has embedded at least one usage permissions server identifier (stored at clearinghouse, col. 10, lines 4-10; col. 10, lines 21-24), and at least one encrypted content identifier (col. 10, lines 9-11), a reader/end-user player application, on a computer that reads the at least one usage permissions server identifier and the at least one encrypted content identifier (col. 10, lines 34-36), a communication system/network, that communicates the at least one encrypted content identifier to at least one identified usage permissions server/clearinghouse, (col. 10, lines 19-21), a permissions server/clearinghouse, that receives the at least one encrypted content identifier and that permits usage of the at least one encrypted content identified by the at least one encrypted content identifier based on usage permissions associated with the identified content and at least one identified authenticated account associated with the identified permissions server by communicating an electronic key to the computer that communicated to the permissions server (fig. 1C), and a viewer or player/end-user player application, that displays or plays the identified encrypted content after using the

Art Unit: 2134

communicated electronic key to decrypt the identified encrypted content (col. 10, lines 34-36).

In reference to Claim 25, Gruse further discloses wherein access permissions associated with administering usage permissions for encrypted content can be associated with multiple accounts on the permissions server (col. 9, lines 61-65; col. 10, lines 4-9; col. 70, lines 35-44).

In reference to Claim 26, Gruse further discloses wherein the permissions server identifier is a URL (col. 20, lines 50-54), and administration of usage permissions can be done using a web browser that has access to the permissions server through the web (col. 20, line 66-col. 21, line 9).

In reference to claim 28, wherein permissions for encrypted content are associated with accounts using an object database (col. 14, 7-9).

In reference to claim 30, wherein the encrypted content identifiers are non-location-based URLs (col. 20, lines 49-54).

In reference to claim 31, wherein access permissions include permission to change the locations of electronic content (col. 12, lines 47-50).

### ***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2134

17. Claims 5, 7, 14, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruse as applied to claims 1-4, 6, 8-9, 13, 15-16, 19-26, 28, and 30-31 above, and further in view of U.S. Patent Application Publication No. 2002/0016727 to Harrell et al., (Harrell).

In reference to Claim 5, Gruse lacks discloses wherein the content includes information and data stored in a digital format including: pictures, movies, videos, music, programs, multimedia and games, (col. 9, lines 36-39).

Gruse lacks wherein the content includes encrypted electronic document files.

Harrell teaches wherein the content includes encrypted electronic document files (page 5, ¶ [0039], lines 16-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Gruse with the device of Harrell to contain encrypted electronic document files as content of the electronic market in order to ensure secure transmission of the content and to facilitate the development and transfer of knowledge capital between innovators and developers through the use of marketing document files, as taught by Harrell (page 5, ¶ [0039], lines 17-18 & ¶ [0017]).

In reference to Claim 7, Gruse further discloses wherein selections of certain ones of the access permissions and the usage permissions cause an associated market to be a private market/Intermediate Market Partners (col. 13, line 31 & col. 62, condition #2).

Art Unit: 2134

As per claim 14, this is a method version of the claimed system discussed above in claim 5 wherein all claimed limitations have also been addressed and/or cited as set forth above.

As per claim 29, the claimed system is discussed above in claim 5 wherein all claimed limitations have also been addressed and/or cited as set forth above.

18. Claims 10-12 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruse.

In reference to claims 10-12, Gruse discloses a system for administering electronic markets, which include encrypted electronic content (fig. 1B, #103 & fig. 1A, #113).

Gruse lacks or does not expressly disclose a paper interface to the electronic market that makes use of enhanced barcodes, and allows addition of content to an electronic market, alter permissions of an electronic market, and obtaining content from the electronic market.

However, Examiner takes Official Notice that paper interfaces to an electronic market and the use of barcodes are well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Gruse to include a paper interface to the electronic market that make use of barcodes, and allow addition of content to an electronic market, alter permissions of an electronic market, and obtaining content from the electronic market. Examiner takes Official Notice because

Art Unit: 2134

Gruse discloses that usage conditions for the content can be entered manually or automatically (col. 20, lines 9-12). Gruse further discloses that new content can be added to a store manually (col. 52, line 67 – col. 53, line 3). Additionally, barcodes are well known to reduce the amount of typing needed to manually enter content. For example, U.S. Patents Numbers contain barcodes for this reason.

As per claim 17, this is a method version of the claimed system discussed above in claim 10 wherein all claimed limitations have also been addressed and/or cited as set forth above.

As per claim 18, this is a method version of the claimed system discussed above in claim 12 wherein all claimed limitations have also been addressed and/or cited as set forth above.

19. Claims 27 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruse as applied to claims 1-4, 6-13, 15-26, 28 and 30-31 above, and unpatentable over Gruse in further view of Harrell as applied to claims 5, 14 and 29, and further in view of U.S. Patent No. 5,968,177 to Batten-Carew et al., (Batten).

Gruse discloses a system for controlling usage of encrypted content (col. 6, lines 8-10).

Gruse lacks or does not expressly disclose wherein permissions are managed using a permissions matrix.



Art Unit: 2134

In reference to claim 27, Batten teaches wherein permissions are managed using a permissions matrix (fig. 1, #42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to manage the permissions disclosed in the system of Gruse with a permission matrix as taught by Batten in order to perform administrative functions including key recovery, key addition, key deletion, policy change, change of an end-user attributes, change of the administrative entities attributes, and authority to change other administrative entities attributes and permission, as taught by Batten (fig. 1, #42).

In reference to claim 32, Gruse as modified above discloses wherein a copy of the encrypted content is stored on the same server as the permissions matrices (Gruse, col. 13, line 21-24).

### ***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- e. U.S. Patent No. 6,205,549 is cited for disclosing a system for securing access to data in a portable document format.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aubrey H. Berger whose telephone number is (571)272-8155. The examiner can normally be reached on Monday - Thursday, 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on (571)272-3838. The fax

Art Unit: 2134

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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